



#346101
Vf 3/20/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chatterjee, D.K.

Appl. No. 09/558,421

Filed: April 26, 2000

For: **Mutant DNA Polymerases and
Uses Thereof**

Art Unit: 1643

Examiner: Rao, M.

Atty. Docket: 0942.3600003/RWE/RCM

Response to Restriction Requirement

RECEIVED

MAR 23 2001

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

In the Office Action dated **September 20, 2001**, the Examiner identified the above-captioned application as containing claims to more than one independent and distinct invention. In response to the Restriction Requirement Applicant elects Group I, claims 1-6, 8-13, 15-20, and 22-27 drawn to polynucleotides with traverse. The Examiner also required an election of a single disclosed species pursuant to 35 U.S.C. § 121. Applicant elects *Thermus aquaticus* polymerase as the species for initial examination with traverse. Currently claims 1-6, 8-12, and 15-20 are generic to the elected species, and are subject to examination.

Applicant contends that examining all of the pending claims in this application would not constitute an undue burden on the Examiner. In support of this contention, Applicant notes that United States Patent 5,614,365 [hereinafter "the '365 patent"] issued containing claims to both polynucleotides and polypeptides. In light of a potential interference between this application and the '365 patent, Applicant respectfully requests that this application and the '365 patent be treated similarly for restriction purposes.

Reconsideration and withdrawal of the restriction requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert C. Millonig
Attorney for Applicants
Registration No. 34,395

Date: 3/20/01
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600